

EIGHTY-FIRST DAY

(Tuesday, June 6, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Report of Standing Committee

Senator Metcalfe submitted the following report of the Committee on Finance:

Austin, Texas,
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1040, A bill to be entitled "An Act making an appropriation of Three Thousand Dollars (\$3,000), or so much thereof as may be necessary,

to aid and facilitate the work to be performed by the Lower Concho River Water and Soil Conservation Authority; provided that said appropriation shall be a loan to be repaid to the State of Texas out of the first revenues received by said Authority; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 1000 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Gilmer, Petsch, Felty, Hankamer, Anderson.

The House has concurred in Senate amendments to H. C. R. No. 146 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 1117 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

**Conference Committee on
House Bill 195**

Senator Burns called up from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 195.

Senator Burns moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Burns, Hardin, Pace, Aikin and Graves.

Senate Bill 447 with Senate Amendments

Senator Moffett called S. B. No. 447 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the Senate amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

Conference Committee on House Bill 1000

Senator Winfield called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 1000.

Senator Winfield moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Winfield, Spears, Brownlee, Metcalfe and Kelley.

Senate Bill 238 with House Amendments

Senator Graves called S. B. No. 238 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

Conference Committee on House Bill 190

The President announced the appointment of the following conferees on H. B. No. 190 on the part of the Senate: Senators Nelson, Martin, Kelley, Aikin and Stone of Galveston.

Senate Bill on First Reading

Senator Redditt moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused**Small**

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Redditt:

S. B. No. 489, A bill to be entitled "An Act making an appropriation for the Sabine-Neches Conservation District; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said District; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said District; and declaring an emergency."

Referred to Committee on Finance.

Night Session to Consider Local and Non-Contested Bills

Senator Burns, by unanimous consent, moved that the Senate hold a session Wednesday at 7:30 o'clock p. m., to consider local and non-contested bills in accordance with Senate Resolutions 47 and 50.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Head	of Washington
Hill	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

Nays—4

Isbell	Nelson
Martin	Spears

Absent

Kelley

Absent—Excused

Small

Relative to Consideration of House Concurrent Resolution 175

Senator Moore asked unanimous consent of the Senate that H. C. R. No. 175 be taken up for consideration by the Senate immediately after conclusion of the morning call on tomorrow.

The President announced there was objection to the request.

Senator Hill moved that the rule relating to entertaining motions during the morning call be suspended to permit his moving at this time to suspend the regular order of business to take up H. C. R. No. 175 (relating to lobbying) for immediate consideration.

The motion was lost by the following vote:

Yeas—9

Aikin	Metcalf
Burns	Nelson
Head	Spears
Hill	Sulak
Lanning	

Nays—19

Beck	Pace
Brownlee	Roberts
Collie	Shivers
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Isbell	of Washington
Kelley	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Absent

Lemens	Redditt
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Absent—Excused

Small

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 486, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River Canal and Conservancy District, providing that it shall be repaid to the State of Texas; and declaring an emergency,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 489, A bill to be entitled "An Act making an appropriation for the Sabine-Neches Conservation District; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said District; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said District; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1025, A bill to be entitled "An Act permitting the use of a net with not less than one-inch mesh for taking suckers, carp, buffalo, and shad from Bosque River, in Hamilton County; prohibiting the use of any other seine or net except a minnow seine; providing a penalty; repealing all conflicting laws; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 982, A bill to be entitled "An Act prescribing the means by which fish may be taken from the waters of Coryell County; prohibiting the sale of catfish taken in that County; repealing all conflicting laws; providing a penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1060, A bill to be entitled "An Act fixing and providing for the payment of the salary and traveling and office expenses of the county superintendent of public instruction in counties with a population of not less than thirteen thousand, four hundred and fifty (13,450) nor more than thirteen thousand, six hundred (13,600) and not less than nineteen thousand, nine hundred and fifty (19,950) nor more than twenty thousand, one hundred (20,100) according to the preceding Federal Census; and fixing and providing for payment of compensation of county school trustees in such counties; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, June 6, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has adopted the conference commit-
tee report on H. B. No. 132 by a vote
of 121 ayes and 4 noes.

The House has passed the following
bill:

H. B. No. 567, A bill to be entitled
"An Act to provide for the creation
of a Commission on Uniform State
Laws, the appointment of Commis-
sioners thereto, defining the duties
thereof, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Resolution 93

Senator Burns, by unanimous con-
sent, offered at this time the following
resolution:

Whereas, The Chief of the Alabama
Coushatta Indians of Polk County, to-
gether with members of his tribe and
accompanied by citizens of Polk Coun-
ty are in the halls of the Capitol and
are desirous of extending an invita-
tion to the Senate of Texas and other
State officials, now, therefore, be it

Resolved by the Senate of Texas,
That the Chief of the Alabama Cou-
shatta Indians and his party be given
the privilege of the floor and be in-
vited to address the Senate.

The resolution was read; and on
motion of Senator Burns and by unani-
mous consent, it was considered im-
mediately.

The resolution was adopted.

Accordingly, Senator Burns escort-
ed the Chief of the Alabama Coushat-
ta Indians and his party to the Presi-
dent's stand and presented Dr. W. N.
Flowers of Livingston, Texas, who
introduced the Chief of the Alabama
Coushatta Indians to the Senate.

The Chief then addressed the Sen-
ate in his own language, and invited
the Senate to attend the Second An-
nual Indian Pow Wow to be held at
Livingston, Texas, on June 16, 1939.

Report of Conference Committee on House Bill 132

Senator Van Zandt, by unanimous
consent, submitted at this time the
following report of the Conference
Committee on H. B. No. 132:

Austin, Texas,
June 5, 1939.

Hon. R. Emmett Morse, Speaker of
the House.

Hon. Coke R. Stevenson, President of
the Senate.

Sirs: We, your conference commit-
tee, appointed to adjust the differences
between the two Houses on H. B. No.
132, have had the same under con-
sideration and beg leave to report
same back with the recommendation
that said H. B. No. 132 do pass in the
form hereto attached.

VAN ZANDT,
PACE,
WEINERT,
MOORE,
MARTIN,

On the part of the Senate.

ALSUP,
ISAACKS,
WOOD,
TAYLOR,
SMITH

of Hopkins,

On the part of the House.

H. B. No. 132.

A BILL

TO BE ENTITLED

An Act making it unlawful for any-
one representing any applicant or
recipient of assistance to the aged,
needy blind, dependent child, or
child welfare service, with re-
spect to applications before the
State Department, to charge a fee
in excess of \$10.00 in representing
such applicant; and making it un-
lawful for anyone to advertise,
hold himself out for, or solicit the
procurement of assistance or serv-
ice; and making it unlawful for
anyone to solicit or collect dues or
money, for themselves or for others,
for the purpose or pretended pur-
pose of collecting or advertising or
sponsoring old age pensions or
benefits for any person from the
Social Security program as it ap-
plies to old age assistance, needy

blind persons and dependent and destitute children; making provisions for certain organizations; prescribing a penalty for violation of the provisions of this Act; authorizing the Attorney General to bring civil suits to enforce this Act, and placing venue of said suits in Travis County; repealing all laws or parts of laws in conflict herewith; providing a savings clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any attorney-at-law, or attorney-in-fact, or any other person, firm or corporation whatsoever, representing any applicant or recipient of assistance to the aged, to the needy blind, or to any needy dependent child, or for any child welfare service with respect to any application before the State Department, or any of its agents, to charge a fee for his services in excess of \$10.00 in aiding or representing any such applicant before the State Department, or for any other service in aiding such applicant to secure assistance of service. It shall likewise be unlawful for any person, firm, or corporation to advertise, hold himself out for, or solicit the procurement of assistance or service.

Sec. 2. It shall be unlawful for any person, firm or corporation to solicit or collect dues or money for himself or itself, or any organization, association, partnership or corporation for the purpose or pretended purpose of collecting, or aiding in the collection of, or advertising or sponsoring old age pensions of any kind, or benefits for any person or group of persons from the Social Security program as it applies to old age assistance, blind persons, or dependent and destitute children; provided, however, an attorney-at-law, or attorney-in-fact, or any other person, representing any applicant or recipient of assistance to the aged, to the needy blind, or to any dependent child, or for any child welfare service with respect to any application before the State Department, or any of its agents, may charge a fee for his services not in excess of \$10.00 in aiding or representing any such applicant before the State Department, or for any other service in aid-

ing such applicant to secure assistance of service.

Sec. 3. Nothing in this Act shall prohibit persons receiving Social Security benefits from the State of Texas or from the United States Government, or who are eligible to receive Social Security benefits from the State of Texas or from the United States Government, from organizing and sponsoring Social Security legislation.

Sec. 4. Any attorney-at-law, or attorney-in-fact, or any other person, acting for himself or as the agent or representative of a firm, corporation, organization, association, or other person, who violates this Act in any manner shall be deemed guilty of a felony and shall, upon conviction, be confined in the county jail for a term of not less than thirty days nor more than one year or be confined in the State penitentiary for a term of not less than one nor more than five years.

Sec. 5. The Attorney General of Texas shall have the authority, right and power to bring civil suits to enforce the provisions of this Act and to enjoin any violations thereof, and suits for injunction brought by the Attorney General shall be tried as ordinary injunction suits, and the venue of all of said suits shall be in Travis County.

Sec. 6. All laws and parts of laws in conflict herewith passed at this session or any other session are hereby expressly repealed.

Sec. 7. If any part of this Act is held to be unconstitutional or otherwise invalid such unconstitutionality of invalidity shall not impair the remaining part of this Act.

Sec. 8. The fact that the people of Texas are being subjected to nefarious advertising and soliciting schemes that result in the obtaining of money by various persons from the people of Texas, which persons can in no way assist them in their efforts to obtain security benefits provided for now under the Laws of the State of Texas and/or the United States creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

House Bill 688 on Passage to Third Reading

The President laid before the Senate, as unfinished business, on its passage to third reading:

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

With amendment by Senator Pace [shown on pages 1831-1833 of the Journal] pending.

Question—Shall the amendment be adopted?

Pending an address of Senator Nelson on the question Shall the amendment be adopted? Senator Pace withdrew the amendment.

Senator Van Zandt then offered the following amendment to the bill:

Amend H. B. No. 688, Section 2, by adding the following at the end of said section:

"It is especially provided that as to any county and its included defined districts having a combined principal road indebtedness outstanding as of January 1, 1939, in an amount not exceeding \$150,000.00, wherein an election for road bonds shall have been carried prior to the date this Act becomes effective, such recently voted bonds shall be eligible to participate under this Act as Class "B" indebtedness to the extent the proceeds of such bonds are ac-

tually expended on lateral roads as required under this Act."

Question—Shall the amendment be adopted?

Senator Metcalfe raised a point of order against further consideration of the bill, on the ground that it contains certain provisions in violation of Sections 50 and 51, Article III, of the State Constitution.

Senator Moore demanded an immediate ruling on the point of order, and the demand was duly seconded.

The Senate ordered an immediate ruling on the point of order by the following vote:

Yeas—17

Beck	Pace
Brownlee	Redditt
Burns	Roberts
Cotten	Shivers
Hardin	Stone
Kelley	of Galveston
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield

Nays—13

Aikin	Lemens
Collie	Metcalfe
Graves	Nelson
Head	Spears
Hill	Stone
Isbell	of Washington
Lanning	Sulak

Absent—Excused

Small

The President overruled the point of order.

Senator Moore moved the previous question on the amendment of Senator Van Zandt and on all amendments heretofore submitted and printed in the Journal [see Journal pages 1833-34] and on the passage of the bill to third reading; and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—19

Beck	Isbell
Brownlee	Kelley
Burns	Lemens
Cotten	Martin
Graves	Moffett
Hardin	Moore

Pace	Stone
Redditt	of Washington
Roberts	Weinert
Stone	Winfield
of Galveston	

Nays—10

Aikin	Metcalf
Collie	Nelson
Head	Shivers
Hill	Spears
Lanning	Sulak

Present—Not Voting

Van Zandt

Absent—Excused

Small

Question—Shall the amendment of Senator Van Zandt be adopted?

Senator Aikin moved that the Senate recess to 2:30 o'clock p. m. today.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—14

Aikin	Nelson
Collie	Shivers
Cotten	Spears
Graves	Stone
Hill	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	

Nays—16

Beck	Moore
Brownlee	Pace
Burns	Redditt
Hardin	Roberts
Head	Van Zandt
Isbell	Weinert
Kelley	Winfield
Moffett	

Absent—Excused

Small

Question then recurring on the amendment of Senator Van Zandt, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—23

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Isbell

Kelley	Roberts
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Moffett	of Washington
Moore	Sulak
Pace	Van Zandt
Redditt	

Nays—7

Hill	Spears
Metcalf	Weinert
Nelson	Winfield
Shivers	

Absent—Excused

Small

Question next recurred on the amendment of Senator Redditt as shown on page 1834 of the Journal.

Recess

Senator Aikin moved that the Senate recess to 3:00 o'clock p. m. today.

The motion prevailed; and the Senate, accordingly, at 1:45 o'clock p. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The Senate met at 3:00 o'clock p. m. and was called to order by the President.

Senate Resolution 94

Senator Cotten, by unanimous consent, offered at this time the following resolution:

Whereas, The Texas Woman's Press Association, the second oldest woman's organization in the State of Texas, has dedicated its efforts toward sponsoring a movement and campaign, among all Texas everywhere, for a building fund of One Million Dollars (\$1,000,000.00), approximately, in behalf of a new home for Texas State Library—the same to function also as a Texas Historical Center—to be dedicated as a Memorial to the Pioneers of Yesterday, and to the Citizens of Today and Tomorrow, to All Texans of All Times, in the current year 1939—which year marks the one hundredth birthday anniversary of Texas State Library, and also that of Texas' Capital City, Austin; and

Whereas, The site for the proposed Texas State Library, Texas Historical Center, is to be a gift, too, to the State of Texas; and

Whereas, The State of Texas stands

in great need for an expanded State Library to serve in its vital capacities adequately now and in the future; and

Whereas, The historic State Archives, now in precarious quarters in the basement of the Capitol in Austin, will be given safe and dignified housing in a permanent home, and State's Records can be housed thus also; and

Whereas, Texas and the City of Austin, as our Capital City, will be the possessors of a magnificent building that will serve the people of the State directly, in many needed capacities, and that will serve further as an attraction to all citizens of Texas and to visitors to the State; and

Whereas, A large number of the States in the United States of America have State Library and Historical Buildings, to which they justly point with pride; now, therefore, be it

Resolved, By the Senate of the State of Texas in this, the Forty-sixth Session, that it hereby approve the movement to raise said building fund as presented by the Texas Woman's Press Association; and be it further

Resolved, That the Public Buildings and Grounds Committee act legislatively, with the said Texas Woman's Press Association, at such time as may be necessary in the consummation of the building fund, and the selection of the correct or most advantageous site for the building, if and when the Legislature is not in session.

The resolution was read; and on motion of Senator Cotten and by unanimous consent, it was considered immediately.

The resolution was adopted.

Message from the Governor

The President laid before the Senate, and had read, the following message:

Austin, Texas,
June 5, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the State Board of Public Accountancy (terms beginning January 17, 1939):

J. B. Allred of Wichita Falls, Wichita County (reappointment);

Clifton H. Morris of Fort Worth, Tarrant County;

O. H. Matchek of Beaumont, Jefferson County;

H. V. Robertson of Amarillo, Potter County;

Frank G. Rogers of San Antonio, Bexar County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

House Bill 688 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 688, to provide for the allocation of a portion of the County and Road District Highway Fund to the several counties, on its passage to third reading, with the following amendments to the bill pending:

(1)

Amend H. B. No. 688, Section 3, Subsection (g), Subparagraph (1), Page 16, by inserting between the words "highways" and "Such", in the sixth line from the bottom, the following:

"Provided, however, that where the Commissioners' Court shall elect to receive the benefits of this law for the purpose of lateral road construction, such Commissioners' Court shall, upon receiving official notification from the Board of County and District Road Indebtedness, as to the amount which will be made available to said county, for such purpose, shall in fixing the tax levy reduce the amount of such tax levy by the amount of benefits to be received under the provisions of this Act."

REDDITT.

(2)

Amend H. B. No. 688, Section 7, page 6, by adding after the word "system" in line 18 the following: "provided, however, that no bonds from any county in this State shall ever be eligible to participate in the funds provided for herein if the payment of such bonds has been in default at any time during the three

years immediately preceding January 1, 1939."

NELSON.

(3)

Amend H. B. No. 688 by inserting in Line 3, Page 24, between the word "State" and the comma immediately thereafter, the following language, to-wit: "which mature within the current biennium in which such securities are purchased".

BROWNLEE.

(4)

Amend H. B. No. 688 by inserting after the words "District Highway Fund" where they appear in Line 10, Page 21, of the mimeographed bill, the following language, to-wit: "such county or defined road district shall be denied participation in said fund."

BROWNLEE.

(5)

Amend Section 3, Subsection 7 (a), Pages 4 and 5, of H. B. No. 688 by striking out the phrase, "including expenditures for right of ways," wherever it appears.

BROWNLEE.

(6)

Amend H. B. No. 688 by striking out the figures "1932" wherever they appear on Page 6 of the mimeographed copy of said bill, and inserting in lieu thereof the figures "1939".

BROWNLEE.

(7)

Amend H. B. No. 688 by inserting in Line 6, Page 24, between the word "obligation" and the comma thereafter, the following language, to-wit: "which mature during the current biennium."

BROWNLEE.

(8)

Amend the bill as amended by amending Section 7 (a) of the proposed Act to read hereafter as follows:

"Section 7. (a) All bonds, warrants or other evidence of indebtedness heretofore issued by counties, cities or defined road districts of this State, insofar as amounts of same were issued for, and the proceeds have been actually expended in the

construction of roads that constituted and comprised a part of the system of designated State highways on September 17, 1932, or which subsequent to such date, and prior to January 1, 1939, have been designated a part of the system of State highways, or any road that heretofore has constituted a part of said system, and which has been or may be changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations or both, shall be eligible to participate as of January 1, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this Act. The participation of the city bonds hereinabove referred to contemplates the inclusion of only such bonds as were issued for and the proceeds actually expended in aiding and furthering the construction of roads, highways and bridges as an integral part of the designated highway system of the State, within or without the corporate limits of such issuing municipalities; provided that such indebtedness, the proceeds of which have been expended in the construction of roads which have been designated as a part of the State Highway System after September 17, 1932, and prior to January 1, 1939, shall participate in said County and Road District Highway Fund as of the date of designation of said road as a part of the State system; provided, that all bonds voted by a county or defined road district of the State, prior to January 1, 1939, insofar as amounts of same were or may be issued and the proceeds expended in the construction of roads which are a part of the designated system of State highways, or which were a part of said system, or which may be subsequently designated a part of said system, shall be eligible to participate in the distribution of the moneys coming into the County and Road District Highway Fund as provided in the foregoing and following provisions of this Act as of the date of the designation of said road as a part of the State system. Regardless of other provisions of this Act, where such bonds were voted prior to January 1, 1939, and prior to the designation of the road as a part of the State Highway System, the county or road district may issue and spend the proceeds on the construc-

tion of such road under contract and specifications to be approved by the State Highway Engineer, and such bonds shall be eligible to participate in the County and Road District Highway Fund the same as if the bonds were issued and expended prior to January 1, 1939; provided further, that any participation in said Fund by all counties and defined road districts shall be less the amount of the sinking funds which were required to be accumulated in such funds of the respective counties and defined road districts under the provisions of the statutes and orders of the commissioners' court authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run or may have run, regardless of whether the full amount of said funds are, or may be, actually on hand and to the credit of the sinking funds of the several counties and defined road districts. It being expressly provided in this connection that the term 'sinking funds' shall include only those funds required under law for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereafter provided. Provided further, that no State funds created or provided for by the terms of this Act, shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated by the county or defined road district at the date of eligibility of its obligations. In the event the State Highway Commission has, on a date prior to January 1st, 1939, indicated its intention of designating at State highways the public roads of any county or defined road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply as if the said roads had actually been designated prior to January 1st, 1939."

SULAK.

Question — Shall the amendment (1), by Senator Redditt, be adopted?

The amendment was adopted.

Question next recurring on the amendment (2), by Senator Nelson, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—6

Metcalf	Stone
Nelson	of Washington
Shivers	Sulak
	Winfield

Nays—20

Aikin	Lemens
Beck	Martin
Brownlee	Moffett
Burns	Moore
Collie	Pace
Cotten	Redditt
Graves	Roberts
Head	Stone
Isbell	of Galveston
Kelley	Van Zandt
Lanning	

Absent

Hardin	Spears
Hill	Weinert

Absent—Excused

Small

Question next recurring on the amendment (3), by Senator Brownlee, it was adopted.

Question next recurred on the amendment (4), by Senator Brownlee.

Senator Brownlee withdrew the amendment.

Question next recurring on the amendment (5), by Senator Brownlee, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—10

Beck	Redditt
Brownlee	Shivers
Burns	Stone
Head	of Washington
Hill	Sulak
Isbell	

Nays—18

Aikin	Hardin
Collie	Kelley
Cotten	Lanning
Graves	Lemens

Martin	Spears
Metcalfe	Stone
Moffett	of Galveston
Nelson	Van Zandt
Pace	Winfield
Roberts	

Present—Not Voting

Moore

Absent

Weinert

Absent—Excused

Small

Question next recurred on the amendment (6), by Senator Brownlee.

Senator Brownlee withdrew the amendment.

Question next recurring on the amendment (7), by Senator Brownlee, it was adopted.

Question next recurring on the amendment (8), by Senator Sulak, yeas and nays were demanded.

The roll was called on the question of the adoption of the amendment, and the vote announced: yeas 13, nays 14.

Senator Pace called for a verification of the vote.

The roll of those recording as voting "yea" was called.

Senator Head stated that his name was not called as one of those recorded as having voted "yea" and that he had in fact voted "yea"; and he was so recorded.

The roll was then called of those recorded as voting "nay" and found correct as first announced.

The verified vote then was announced: yeas 14, nays 14.

The President voted "yea," and the amendment was adopted by the following vote:

Yeas—15

Mr. President	Lanning
Aikin	Metcalfe
Beck	Moffett
Brownlee	Nelson
Burns	Redditt
Head	Stone
Hill	of Washington
Isbell	Sulak

Nays—14

Cotten	Shivers
Graves	Spears
Kelley	Stone
Lemens	of Galveston
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Roberts	

Absent

Collie

Hardin

Absent—Excused

Small

Question then recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt

Nays—3

Shivers
Weinert

Winfield

Absent

Hill

Absent—Excused

Small

Motion to Suspend Constitutional Rule

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 688 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—21

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Isbell	of Washington
Kelley	Sulak
Lemens	Van Zandt
Moffett	Weinert
Moore	

Nays—7

Head	Nelson
Lanning	Spears
Martin	Winfield
Metcalf	

Absent

Collie	Hill
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Absent—Excused

Small

Report of Conference Committee
on House Bill 132

Senator Van Zandt called for the consideration at this time of the report of the conference committee on H. B. No. 132, heretofore submitted to the Senate.

The President laid the report before the Senate.

Question—Shall the report be adopted?

(President Pro Tempore Moore in the Chair.)

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1110, A bill to be entitled "An Act fixing compensation for Justices of the Peace and Constables in certain counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 828 by Nicholson, A bill to be entitled "An Act making an appropriation for use and benefit of the Lower Neches Valley Authority; providing for repayment to the State; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Adjournment

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—15

Brownlee	Roberts
Burns	Shivers
Cotten	Stone
Isbell	Stone
Lemens	of Washington
Martin	Van Zandt
Moore	Weinert
Pace	Winfield
Redditt	

Nays—12

Aikin	Lanning
Collie	Metcalf
Graves	Moffett
Hardin	Nelson
Head	Spears
Hill	Sulak

Absent

Beck	Stone
Kelley	of Galveston

Absent—Excused

Small

The Senate, accordingly, at 4:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 400 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 238 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 447 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

EIGHTY-SECOND DAY

(Wednesday, June 7, 1939)

The Senate met at 10:00 o'clock, pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf

Moffett
Moore
Pace
Redditt
Roberts
Shivers
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Nelson

Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Nelson was granted leave of absence for today on account of important business, on motion of Senator Stone of Galveston.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Kelley.

Petitions and Memorials

Senator Hill submitted a letter from J. R. Latham of Byrds, Texas, in the nature of memorial opposing the adoption of S. J. R. No. 12.

The letter was read.

Senator Moore submitted a letter in the nature of a memorial in opposition to the fair trade bill and containing an excerpt from a letter written by President Roosevelt.

The letter was read to the Senate.

Senator Moore asked unanimous consent of the Senate that the letter be printed in the Journal.

The President announced there was objection to the request.

Senator Burns moved to suspend the rule relative to making of motions during the morning call, to permit his moving that the letter be printed in the Journal.